

# EXHIBIT Z

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Page 1

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 SAN FRANCISCO DIVISION

4 -----X

5 ORACLE AMERICA, INC.,

6 Plaintiff,

7 - against -

8 GOOGLE, INC.,

9 Defendant.

10 CASE NO.: CV 10-03561 WHA

11 -----X

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13

14 January 14, 2016

15 9:42 a.m.

16

17 VIDEOTAPED DEPOSITION of HENRIK STAHL,

18 taken by Defendant, at the offices of Orrick,

19 Herrington & Sutcliffe LLP, 51 West 52nd Street,

20 23rd Floor, New York, New York, before Melissa

21 Gilmore, a Shorthand Reporter and Notary Public

22 of the State of New York.

23

24

25 Job No. CS2210624

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Page 208

1 when we say feature phones here.

2 Q. The second bullet point in the  
3 document on page 30 says, "Old technology  
4 stack."

5 A. Uh-huh.

6 Q. Was it your view, at the time of  
7 this document in April 2012, that Java ME was  
8 an old technology stack?

9 MS. SIMPSON: Objection to form.

10 A. Yes, I believe that if you wanted to  
11 continue to use and license Java ME and, in  
12 particular, to be able to compete with  
13 something like Android, would have to make  
14 significant investments in it.

15 Now, that might not be the right  
16 decision, which is kind of what the third  
17 bullet here is referring to.

18 Q. And Oracle did not, in fact, make  
19 the significant investment required to keep up,  
20 correct?

21 A. We considered it.

22 MS. SIMPSON: Objection to form.

23 A. We considered it. We decided  
24 against it.

25 Q. The second bullet point down says,

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Page 209

1       "Hard to motivate ME investment for mobile  
2       licensing alone."

3                    What did you mean by that?

4           A.        We were considering what the  
5        evolution of the Java ME specification would  
6        be.  And, at the time this was written, again,  
7        April 2012, we basically believed there was  
8        no -- there was no forward-looking business for  
9        a new Java ME -- CLDC evolution that would  
10      create significant new business for us.  That  
11      statement, by the way, turned out to be  
12      incorrect.

13           Q.        And why was that statement  
14      incorrect?

15           A.        Because we decided to invest in Java  
16      ME for small embedded devices, and that  
17      investment turned out to make sense.

18           Q.        Does Oracle compete with Android in  
19      the market for small embedded devices?

20           A.        So embedded devices is a continuum,  
21      and it's also very -- not variable -- varying,  
22      I guess, is a good word.  There's lots of  
23      different platforms with different  
24      capabilities.

25                   For some of those platforms that are

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Page 210

1       reasonably powerful, anything basically that  
2       runs what's called an application processor and  
3       has certain hardware capabilities, you can run  
4       a standard operating system, and that operating  
5       system could be, you know, Linux, or it could  
6       be Android, which at the end of the day, is a  
7       derivative of Linux.

8                   And in that area, the combination of  
9       Java on Linux competes with Android, yes. If  
10      you go to much smaller devices, in particular,  
11      micro controller-based devices, Android, in all  
12      forms I'm aware of, is far too large to be able  
13      to run on such devices, and Java ME exists in  
14      that space, has some -- has some business in  
15      that space, and it competes with other  
16      platforms, and not Android.

17               Q.      Has Oracle lost Java ME licensing  
18      revenue for small embedded devices to Android?

19               MS. SIMPSON: Objection to form.

20               A.      My definition for small embedded  
21      here is very specifically devices that are  
22      running things like micro controllers. You  
23      can't run Android on such devices.

24               So within that context, in that  
25      meaning with small embedded, no, it has not.

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Page 211

1 Oracle has lost business to Android on embedded  
2 devices, though, just not this definition of  
3 small embedded I'm using here.

4 Q. What types of embedded -- strike  
5 that.

6 For what types of embedded devices  
7 has Oracle lost business to Android?

8 A. Automotive dashboards, smart TVs,  
9 probably set-top boxes. In general, it's been  
10 hard for Java to compete with Android in any  
11 device which is consumer facing and has a user  
12 interface.

13 Q. And why is that?

14 A. Because Android so completely  
15 dominates the non-iOS smartphone market and  
16 tablet market, basically. So developers are  
17 used to building apps against the Android APIs,  
18 and were used to building the apps against the  
19 Android APIs, they are not interested in  
20 building apps against the Java APIs, so Android  
21 has come to replace, if you will, the Java  
22 APIs, which -- for UI app tape development,  
23 which has been the largest factor in the  
24 decline of Java and Java sales for such  
25 applications.

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Page 212

1           Q.     For devices without a UI, Java ME  
2     does not compete with Android?

3           MS. SIMPSON: Objection to form.

4           A.     So that's not a correct statement.  
5     You don't differentiate on whether it has a UI  
6     or not when you decide whether it should run  
7     Java ME or not. It's more about the hardware  
8     capabilities of the device.

9           If you choose to run the current  
10    version of Java ME, it's because you have a  
11    really low-end device like a micro controller  
12    with very little memory and certain other  
13    hardware restrictions that don't exist in  
14    higher-end devices.

15           Q.     So Java ME does really well in  
16    low-end devices without user interface,  
17    correct?

18           MS. SIMPSON: Objection to form.

19           A.     Java ME is a good technical solution  
20    for various small devices.

21           Q.     And, in that area, it's a superior  
22    solution to Android. Is that your opinion?

23           A.     Yes. Android can't run on such  
24    small devices. It's too large and it requires  
25    too much of the underlying hardware. It's

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Page 213

1 impossible.

2 Q. And in the market for devices with  
3 the user interface, Java ME doesn't do as well  
4 against Android, correct?

5 MS. SIMPSON: Objection to form.

6 A. We don't position Java ME in larger  
7 devices with user interface. The right  
8 statement would be that Java SE has a problem  
9 competing with Android in larger embedded  
10 devices with a user interface.

11 Q. Has Oracle ever marketed Java ME for  
12 mobile devices that compete with Android?

13 MS. SIMPSON: Objection to form.

14 A. I don't know. I guess you could say  
15 that the fact that Java ME is used in -- I  
16 think Java ME is used in BlackBerry. Java ME  
17 is used in some of the Kindle devices, and  
18 other Kindle devices run Android. So they're  
19 competing in the same market segment.

20 Q. Other than those two examples, are  
21 you aware of Oracle marketing Java ME for any  
22 mobile device that competes with Android?

23 A. I'm not aware, and it's quite likely  
24 I wouldn't be aware.

25 Q. If you turn to page 32 of the

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Page 214

1 document. The title of this slide says ME  
2 Future Positioning. And then below it says  
3 Platform for Feature Phones.

4 A. Uh-huh.

5 Q. Was it Oracle's strategy, as of  
6 April 2012, to position ME as a platform for  
7 feature phones?

8 A. So I believe, at the time, when this  
9 was written, we was, you know, working on the  
10 Java ME 7 specification, and the primary target  
11 for that specification was small, embedded  
12 devices, so devices based on micro controllers  
13 and other extremely limited hardware  
14 configurations.

15 But we were also in discussions with  
16 at least [REDACTED] there might have been more  
17 vendors that were current Java ME CLDC  
18 licensees for their phones about producing, you  
19 know, one final update that they could use for  
20 a number of years for their kind of end-of-life  
21 part of that business of theirs.

22 And that's why it was put here as  
23 one of the potential strategic -- I'm sorry,  
24 not strategic -- potential roadmap goals for  
25 the next version of Java ME. So that must have

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Page 323

1 C E R T I F I C A T E  
2

3 STATE OF NEW YORK )

4 :ss  
5  
6 COUNTY OF RICHMOND)

7  
8 I, MELISSA GILMORE, a Notary Public  
9 within and for the State of New York, do hereby  
10 certify:

11 That HENRIK STAHL, the witness whose  
12 deposition is hereinbefore set forth, was duly  
13 sworn by me and that such deposition is a true  
14 record of the testimony given by such witness.

15 I further certify that I am not  
16 related to any of the parties to this action by  
17 blood or marriage; and that I am in no way  
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 19th day of January, 2016.

21  
22  
23  
24  
25  
MELISSA GILMORE